

CASE OF VERY GREAT INTEREST TO BANKERS REACHES HIGH COURT

A slightly different phase of a matter that had been settled by an ironclad rule affecting banks reached the supreme court yesterday in the case of Henry Cohen, appellant, against the First National bank of Nogales, appellee, from the superior court of Santa Cruz county.

Cohen, a depositor in the bank of the appellee, while at Culiacan, Sinaloa, a year ago sent to the bank a check he had received from one Gaxiola, also a resident of Culiacan and a depositor in the same bank. The amount of the check was \$3567.90. The check reached the bank on a Saturday and a young woman employee of the bank, a mail clerk, filled out one of the credit blanks of the bank on which were printed the words, "We have entered to your credit," and the name of the cashier of the bank, also printed, with the typewritten letters E. B. M. This form was sent to Cohen.

That afternoon the bookkeeper of the

bank in entering the day's business went through the books in which the names were arranged in alphabetical order, and "C" coming before "G," he entered the check to the credit of Cohen. Proceeding through the list and coming to the name of Gaxiola, the bookkeeper discovered that there were insufficient funds in his account to cover the debit which he was about to make.

The bookkeeper put the check aside and hunted for an officer of the bank but could not locate one that afternoon. Nothing more was done about it until the following Monday morning, when a letter was sent to Cohen informing him of the inadequate state of Gaxiola's account and asking his pleasure. Shortly on the same day two telegrams were received from Cohen. He asked in the first place that the check be held by the bank and that the account of Gaxiola be retained intact. Another telegram was one of inquiry as to how he was to protect himself.

Cohen then hurried to Nogales and the bank refusing to allow the credit, of which it had notified him, to stand, he drew a check against his own account for that amount and it was rejected. Then Cohen brought suit against the bank. The case was tried by Judge O'Connor, who held for the bank, but in doing so he stated that it was an established rule, based on law, that when a bank accepts a check from a depositor, issued by another depositor, and credits the first and subse-

quently discovers that the maker of the check has overdrawn his account, it must allow the entry of credit to stand. The court cited two cases in which that rule was enforced. He stated that there was another rule, not supported by law, under which banks receiving a check in the morning might, on discovery later the same day that the check was against insufficient funds, withdraw the credit.

Why the first rule was good and the second was not, the court stated was obvious. But for the rule the bank might, as had been done in one of the cases cited, discriminate between customers. For instance, in this case a check had been presented early in the day and other checks against the same account came in later. Some of the later ones were accepted for the full amount of the funds on deposit, while the check for which credit had been given was rejected.

But the court found that this case was not quite on all fours with the case at bar. In this instance the notification of Cohen of having been credited with the Gaxiola check was made by a young woman, a mail clerk, and not authorized to give such credit. The court said that such might even be a myth; she had not been called as a witness and had not appeared in court. The court stated that if Cohen had brought the check in person to the bank or if it had appeared that after having been notified of the entry, assuming that his account had been in-

STATE TEACHERS WHO WON CERTIFICATES IN RECENT EXAMINATION

Following is a list of the teachers of this state to whom certificates were granted as a result of the recent examination conducted in all the counties. The list includes the names of successful applicants except in a few cases where in filling out the blanks the applicants neglected to give their ages; that is, to state that they were of lawful age, or where they neglected when stating that they were of foreign birth to add that they were now citizens.

There also are omitted from the list the names of those who took only special examinations, as in kindergarten work, music, Spanish, manual training, etc.

On a proper showing they are of lawful age by persons whose certificates have been withheld, the certificates will be forwarded to them:

Apache county, second grade (no first grades)—Violet Blazard, James DeWitt, Nellie Greer, Gladys Irwin, Roy McFate, Gladys D. McFate.

Cochise county, first grade—Rhus Jones, Nina G. Noll, Mrs. Mrs. Rose Slaughter, Helen M. Williams; second grade—Elsie Colbert, Minnie Gates, Ruth Lipscomb, Linnie Moffield, Florence McDonald, Mrs. F. H. McClelland, A. S. Porter, Theresa Sabin.

Cocconino county, first grade—Clare B. Collins, Anna Hohenberger, Grace Ferguson, Zella Iona Mayes, Teresa Mabey, Abner Anderson, Hazel Allen, C. L. B. Anderson, Eugenia Shelby, J. A. Biles, Mrs. Carl G. Sanders, Agnes Sadler, Edith Webber, Alice H. Smith, Elsie R. Drake, Helen Mayes; second grade—D. Ileen Curran, Augusta Flake, Mae Akin, Ruth Blake, Mrs. Pearl Cureton, Thomas Richey, Donette Shumway, Alzada Whipple.

Gila county, first grade—Ruth Bentley, Joe C. Morgan; second grade—Mabel L. Adams, Mary Williams Black, Christine Penrose.

Graham county, first grade—Elizabeth Copper; second grade—Mrs. Florence Albino, Lottie Elward, Mrs. Hugh Chipman, Mabel Gentner, Henrietta Harms, Mrs. A. R. Herrell, Mrs. S. F. Heywood, Dollie M. Kennedy, Emma Jane Tully.

Maricopa county, first grade—Alma Atkinson, Guy Foster, Lillian E. Johnson, Mrs. Lillian W. McNabb, Elma E. Stone, Opal Wheeler, Marie Heaton; second grade—Nellie E. Barnes, Mary Addie Beck, Emma Eliason, Ruth Gordon, Estelle Johnson, Doris Kuthe, Charles E. Mincks, J. S. McCormick, Zula Taylor, Mrs. A. E. Thompson, Elmer Whitcomb.

Mohave county, second grade (no first grades granted)—Amanda R. Brewer, Dessie Louise Leverton, Nevada Plattner, Uldine Ramsey.

Pima county, second grade (no first grades granted)—Mary W. Trumbo, Blanche T. Hummel, Bertha Jaeger, Veronica Power, Marie Risinger.

Pinal county, first grade—Iva Bourne Griggs; second grade—Mrs. G. H. Johnson.

Greenlee county, first grade—Urna Overman; (No second grades.)

Mohave county, first grade—Ruby J. Jackson. (No second grades.)

Santa Cruz county, (no first grade); second grade—Josiah Boyd.

Yavapai county, first grade—Georgia Barnes, Ernest B. Wohlenberg, Hobart Odor; second grade—Verle Beaver, Forrestine Metheny.

Yuma county, first grade—Elizabeth Lott, Leola Stevens, Hettie Skidmore; second grade—Mrs. Jane Page Fay.

Nealson of Phoenix for Supreme Court—Adv. 4t

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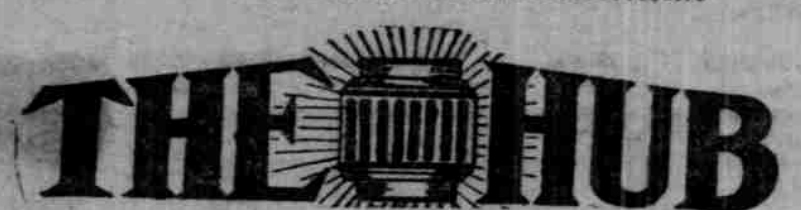
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